

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL NAUGHTON,

Plaintiff,

CASE NO. C14-0819-RSL

V.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

## REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of an application for  
disability benefits by the Commissioner of the Social Security Administration. The parties now  
contend that this case should be reversed and remanded. (Dkt. 14.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED pursuant to sentence six of 42 U.S.C. § 405(g). On remand, the Appeals Council will consider whether to issue a partially or fully favorable decision, or to remand with instructions to the Administrative Law Judge to: (1) follow the guidance in Social Security Ruling 83-20 in determining the onset of the disability, and (2) further consider the medical source statement completed by Vincent Fan, M.D., on May 15, 2012.

The Court will retain jurisdiction over the action pending further administrative

1 proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98-102 (1991). If the outcome of those  
2 proceedings is unfavorable to plaintiff, he may seek judicial review by reinstating this case rather  
3 than by filing a new Complaint. If the outcome is favorable to plaintiff, the parties will move  
4 this Court for entry of Judgment.

5 The Court recommends that United States District Judge Robert S. Lasnik immediately  
6 approve this Report and Recommendation and order the case REVERSED and REMANDED  
7 pursuant to sentence six of 42 U.S.C. § 405(g) for further administrative proceedings. A  
8 proposed order accompanies this Report and Recommendation.

9 DATED this 29th day of October, 2014.

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14 Mary Alice Theiler  
15 Chief United States Magistrate Judge  
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